

PATENT COOPERATION TREATY

10/594712

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference MP-YU8305-P	FOR FURTHER ACTION See item 4 below	
International application No. PCT/JP2005/006735	International filing date (<i>day/month/year</i>) 30 March 2005 (30.03.2005)	Priority date (<i>day/month/year</i>) 31 March 2004 (31.03.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GS YUASA CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
3. This report contains indications relating to the following items:

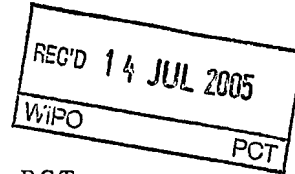
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 04 October 2006 (04.10.2006)
	Authorized officer Yoshiko Kuwahara e-mail: pt07@wipo.int

特許協力条約

発信人 日本国特許庁 (国際調査機関)

代理人 松本 悟 様 あて名 〒103-0027 日本国東京都中央区日本橋3丁目2番11号 北八 重洲ビル 3階 東京知財事務所
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PCT
 国際調査機関の見解書
 (法施行規則第40条の2)
 [PCT規則43の2.1]

発送日
 (日.月.年) 12.7.2005

出願人又は代理人
 の書類記号 MP-YU8305-P

今後の手続きについては、下記2を参照すること。

国際出願番号 PCT/JP2005/006735	国際出願日 (日.月.年) 30.03.2005	優先日 (日.月.年) 31.03.2004
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国際特許分類 (IPC) Int.Cl.⁷ C01B3/00, 3/32, C25B1/02, 5/00, H01M8/00, 8/06, 8/10

出願人 (氏名又は名称)
 株式会社 ユアサ コーポレーション

1. この見解書は次の内容を含む。

- ☒ 第I欄 見解の基礎
- ☐ 第II欄 優先権
- ☐ 第III欄 新規性、進歩性又は産業上の利用可能性についての見解の不作成
- ☐ 第IV欄 発明の単一性の欠如
- ☒ 第V欄 PCT規則43の2.1(a)(i)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明
- ☐ 第VI欄 ある種の引用文献
- ☐ 第VII欄 国際出願の不備
- ☒ 第VIII欄 国際出願に対する意見

2. 今後の手続き

国際予備審査の請求がされた場合は、出願人がこの国際調査機関とは異なる国際予備審査機関を選択し、かつ、その国際予備審査機関がPCT規則66.1の2(b)の規定に基づいて国際調査機関の見解書を国際予備審査機関の見解書とみなさない旨を国際事務局に通知していた場合を除いて、この見解書は国際予備審査機関の最初の見解書とみなされる。

この見解書が上記のように国際予備審査機関の見解書とみなされる場合、様式PCT/ISA/220を送付した日から3月又は優先日から22月のうちいずれか遅く満了する期限が経過するまでに、出願人は国際予備審査機関に、適当な場合は補正書とともに、答弁書を提出することができる。

さらなる選択肢は、様式PCT/ISA/220を参照すること。

3. さらなる詳細は、様式PCT/ISA/220の備考を参照すること。

見解書を作成した日

28.06.2005

名称及びあて先
 日本国特許庁 (ISA/JP)
 郵便番号100-8915
 東京都千代田区霞が関三丁目4番3号

特許庁審査官 (権限のある職員)

安齋 美佐子

電話番号 03-3581-1101 内線 3416

4G 9439

様式PCT/ISA/237 (表紙) (2004年1月)

第I欄 見解の基礎

1. この見解書は、下記に示す場合を除くほか、国際出願の言語を基礎として作成された。

☐ この見解書は、_____語による翻訳文を基礎として作成した。
それは国際調査のために提出されたPCT規則12.3及び23.1(b)にいう翻訳文の言語である。

2. この国際出願で開示されかつ請求の範囲に係る発明に不可欠なヌクレオチド又はアミノ酸配列に関して、以下に基づき見解書を作成した。

a. タイプ ☐ 配列表

☐ 配列表に関連するテーブル

b. フォーマット ☐ 書面

☐ コンピュータ読み取り可能な形式

c. 提出時期 ☐ 出願時の国際出願に含まれる

☐ この国際出願と共にコンピュータ読み取り可能な形式により提出された

☐ 出願後に、調査のために、この国際調査機関に提出された

3. ☐ さらに、配列表又は配列表に関連するテーブルを提出した場合に、出願後に提出した配列若しくは追加して提出した配列が出願時に提出した配列と同一である旨、又は、出願時の開示を超える事項を含まない旨の陳述書の提出があった。

4. 補足意見：

第V欄 新規性、進歩性又は産業上の利用可能性についてのPCT規則43の2.1(a)(i)に定める見解、それを裏付ける文献及び説明

1. 見解

新規性 (N)	請求の範囲	1-47	有
	請求の範囲		無
進歩性 (IS)	請求の範囲	1-47	有
	請求の範囲		無
産業上の利用可能性 (IA)	請求の範囲	1-47	有
	請求の範囲		無

2. 文献及び説明

- 文献1 : JP 11-229167 A (ペルメレック電極株式会社) 1999.08.24
 文献2 : JP 3328993 B2 (住友電気工業株式会社) 2002.07.19
 文献3 : JP 3360349 B2 (住友電気工業株式会社) 2002.10.18
 文献4 : JP 2001-297779 A (松下電器産業株式会社) 2001.10.26
 文献5 : JP 6-73583 A (三井東圧化学株式会社) 1994.03.15
 文献6 : US 2003/0226763 A1 (CALIFORNIA INSTITUTE OF TECHNOLOGY) 2003.12.11

請求の範囲1-47記載の発明は、国際調査報告に引用された上記文献1-6に対して進歩性を有する。文献1-6には、「水素製造装置が、有機物を含む燃料を分解して水素を含むガスを製造するものであり、隔膜、前記隔膜の一方の面に設けた燃料極、前記燃料極に有機物と水を含む燃料を供給する手段、前記隔膜の他方の面に設けた酸化極、前記酸化極に酸化剤を供給する手段、燃料極側から水素を含むガスを発生させて取り出す手段を備えてなる」点が記載されておらず、しかもその点は文献1-6から当業者といえども自明なものではない。

第Ⅶ欄 国際出願に対する意見

請求の範囲、明細書及び図面の明瞭性又は請求の範囲の明細書による十分な裏付についての意見を次に示す。

請求の範囲 6 の冒頭には、「前記水素製造セル」と記載されているが、引用する請求の範囲 1 には、「水素製造セル」という記載がないため、「前記」という記載は不適當である。また、「前記水素製造セル」が請求の範囲 1 のどの構成を指すのか不明瞭である。

PATENT COOPERATION TREATY

10 / 504711

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference MP-YU8305-P	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/006735	International filing date (day/month/year) 30 March 2005 (30.03.2005)	Priority date (day/month/year) 31 March 2004 (31.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant GS YUASA CORPORATION			

- This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
- This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
- This report contains indications relating to the following items:

<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
- The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

	Date of issuance of this report 19 October 2006 (19.10.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yoshiko Kuwahara
Facsimile No. +41 22 338 82 70	e-mail: pt07@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

MP-YU8305-P

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/006735

International filing date (day/month/year)

30.03.2005

Priority date (day/month/year)

31.03.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

GS YUASA CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/006735

Box No. 1	Basis of this opinion
1.	<p>With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(h)).</p>
2.	<p>With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p>
3.	<p><input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p>
4.	<p>Additional comments:</p>

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/006735

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-47</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1-47</u>	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	<u>1-47</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
<p>Document 1: JP 11-229167 A (Perumerekku Denkyoku K.K.), 24 August 1999</p> <p>Document 2: JP 3328993 B2 (Sumitomo Electric Industries, Ltd.), 19 July 2002</p> <p>Document 3: JP 3360349 B2 (Sumitomo Electric Industries, Ltd.), 18 October 2002</p> <p>Document 4: JP 2001-297779 A (Matsushita Electric Industrial Co., Ltd.), 26 October 2001</p> <p>Document 5: JP 6-73583 A (Mitsui Toatsu Kagaku K.K.), 15 March 1994</p> <p>Document 6: US 2003/0226763 A1 (California Institute of Technology), 11 December 2003</p> <p style="margin-top: 20px;">The inventions described in claims 1-47 appear to involve an inventive step over documents 1-6 cited in the ISR. Documents 1-6 have no description of a hydrogen production device for producing a hydrogen-containing gas by decomposing an organic-matter-containing fuel, comprising a diaphragm, a fuel pole provided on one surface of the diaphragm, means for supplying to the fuel pole fuel containing organic-matters and water, an oxidizing pole provided on the other surface of the diaphragm, means for supplying an oxidizer to the oxidizing pole, and means for producing and retrieving a hydrogen-containing gas from a fuel pole side; nor would it be obvious to a party skilled in the art based on documents 1-6.</p>			

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/006735

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 6 (exordium) describes said hydrogen production cell; however, claim 1 has no description of a hydrogen production cell. Therefore, the description of said is inappropriate. Also, said hydrogen production cell is unclear in which constitution in claim 1 is pointed at.